

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

ROBERT BRANDES,	:	Case No. 1:17-cv-607
	:	
Plaintiff,	:	Judge Timothy S. Black
	:	
vs.	:	Magistrate Judge Stephanie K.
	:	Bowman
COMMISSIONER OF SOCIAL	:	
SECURITY,	:	
	:	
Defendant.	:	

**DECISION AND ENTRY
ADOPTING THE REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE (Doc. 9)**

This case is before the Court pursuant to the Order of General Reference to United States Magistrate Judge Stephanie K. Bowman. Pursuant to such reference, the Magistrate Judge reviewed the pleadings filed with this Court and, on August 13, 2018, submitted a Report and Recommendation. (Doc. 9). Plaintiff filed objections (“Objections”). (Doc. 10).¹

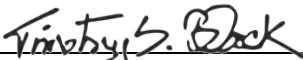
¹ The Objections are not well-taken. The Objections’ argument that Dr. Swedberg’s testimony, and the findings of Dr. Mikalov and Dr. Stroebe, mandate a finding that Plaintiff is limited to sedentary work fails for the reasons asserted on pages 5-8 of the Report and Recommendation. The Objections’ argument that the Magistrate Judge should have found a “closed period of disability” from 2013 until December, 2015, when Plaintiff lost 100 pounds, fails because, as the Magistrate Judge correctly explained, the consultants on whose opinions the ALJ most relied reviewed the entirety of the record, including the period when Plaintiff was at his heaviest, but still found Plaintiff to be capable of light work. (Doc. 9 at 9). The Objections’ argument regarding Plaintiff’s subjective complaints is not availing; the Court agrees with the Magistrate Judge that Plaintiff has not demonstrated error in the ALJ’s evaluation of Plaintiff’s subjective complaints. (Doc. 9 at 9-12). Accordingly, the Objections are **OVERRULED**.

As required by 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72(b), the Court has reviewed the comprehensive findings of the Magistrate Judge and considered *de novo* all of the filings in this matter. Upon consideration of the foregoing, the Court does determine that such Report and Recommendation should be and is hereby adopted in its entirety. Accordingly:

1. The Report and Recommendation (Doc. 9) is **ADOPTED**;
2. The Objections (Doc. 10) are **OVERRULED**;
3. The Commissioner's decision is **AFFIRMED**; and
4. The Clerk shall enter judgment accordingly, whereupon this case is **TERMINATED** on the docket of this Court.

IT IS SO ORDERED.

Date: 9/25/18



Timothy S. Black
United States District Judge